

House Study Bill 94

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child endangerment offenses resulting in the
2 death of a child or minor and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1045DP 80
5 jp/pj/5

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1 1 Section 1. Section 726.6, Code 2003, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 3A. A person who commits child
1 4 endangerment resulting in the death of a child or minor is
1 5 guilty of a class "B" felony. Notwithstanding section 902.9,
1 6 subsection 2, a person convicted of a violation of this
1 7 subsection shall be confined for no more than fifty years.

1 8 EXPLANATION

1 9 Under current law in Code section 707.2, a person who kills
1 10 a child while committing child endangerment under Code section
1 11 726.6, subsection 1, paragraph "b", or while committing
1 12 assault under Code section 708.1 upon the child, and the death
1 13 occurs under circumstances manifesting an extreme indifference
1 14 to human life, commits murder in the first degree, which is a
1 15 class "A" felony. Under current law in Code section 726.6A, a
1 16 person who engages in a course of conduct including three or
1 17 more acts of child endangerment within a period of 12 months,
1 18 where one or more of the acts results in serious injury to the
1 19 child or minor or results in a skeletal injury to a child
1 20 under four years of age, is guilty of a class "B" felony.
1 21 Notwithstanding Code section 902.9, subsection 2, which limits
1 22 the term of confinement for a class "B" felony to 25 years, a
1 23 person convicted of such a child endangerment offense shall be
1 24 confined for no more than 50 years.

1 25 This bill provides that a child endangerment offense
1 26 resulting in the death of a child or minor, which does not
1 27 require a showing of extreme indifference to human life, is a
1 28 class "B" felony. The bill includes the same penalty
1 29 provision as exists for the current class "B" child
1 30 endangerment felony offense in that the term of confinement is
1 31 not more than 50 years rather than 25 years.

1 32 LSB 1045DP 80

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